

ORIGINAL

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

UNITED STATES DISTRICT COURT

for the
Northern District of Texas

2016 OCT 26 AM 9:43

IN THE MATTER OF
INTENTIONAL TORTR. ROYALE*Plaintiff*

v.

KNIGHTVEST MANAGEMENT LLC.*Defendant*§
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§
§

DEPUTY CLERK

Civil Action No. _____

3-16CV2992-D

DALLAS COUNTY, TEXAS

ORIGINAL COMPLAINT AND JURY DEMAND

I, R. Royale "*Plaintiff*", legally incorporated my business English Magic USA in Texas and had worked it from home on one of the Defendant's properties since 2014 at 10814 Steppington Drive, Apt# 2315 Dallas, TX 75230 is bringing a lawsuit against Knightvest Management, *Defendant*, at 5400 LBJ Freeway, Suite 450 Dallas, TX 75240 (214) 989-7061. I believe this court has the power to decide my case because it has jurisdiction over my lawsuit. The Defendant broke the law by authorizing an illegal racial profiling which violated my rights in the Fourth Amendment to the United States Constitution, federal statute 42 U.S.C §1983. By knowingly permitting the violator to harass me, makes Knightvest Management responsible for damages. A Knightvest manager, Ms. Vicki Hibdon, on one of the Defendant's properties at Aberdeen @ Bellmar located at 10843 North Central Expressway, Dallas, TX 75231 (214) 692-1444, encouraged a Dallas policeman, Officer Taylor Smith, who was out of uniform to pester and violate my "4th Amendment Rights" 12/29/2015 on the property where I reside. Officer Smith had no reasonable suspicion necessary for an investigatory stop and search. He, their courtesy officer, maliciously threatened me while trying to provoke a physical confrontation as I feared for my life. Having this fear of remaining on this unsafe property and the inflicting emotional distress, I filed a complaint to the Internal Affairs Division on Officer Smith 12/30/2015 at 1400 South Lamar St. Dallas, TX 75215. Detective Janey Tolden completed the investigation. I also filed a complaint 12/30/2015 against Ms. Vicki Hibdon for her misconduct and conspiring with Officer Smith to Knightvest Management. I retained all documents and recordings dealing with the incident.

Ms. Kellie Russell, regional manager, ill-treated the delicate situation as well. She only had Ms. Hibdon to retract an unreasonable notice for me to vacate my apartment that Ms. Hibdon put on my door 12/31/2015 in which retraction came 1/21/2016, twenty-one days later. Not even one manager acted as a prudent person willing to help their tenant 12/29/2015 on the property when I fled into their leasing office for verification of residency proof to show Officer Smith. The apartment owner breached its non-delegable duty to keep the premises safe for its tenants, a "*premises defect*", in my lease agreement. The event caused non-economic damages due to Defendant adding surprise searches by undercover police on property, creating a *conversion*; statute Tex. Civ. Prac. & Rem. Code §16.003(a). Ms. Hibdon failed to verify residency nor acted responsibly to resolve the issue in a reasonable manner. Neither managers conformed to the duty I was owed. A tenant, Jingjing Zhang, is a witness of what Ms. Russell had to say about not wanting certain people on the property among other things. The Civil Rights Act of 1991 permits recovery in which "emotional pain, suffering, inconvenience, mental anguish, [and] loss of enjoyment of life" statute 42 U.S. Code § 1981a(b)(3) occur. Due to depleted savings and incurred notes in moving to feel safe from further harassments, I ask for judgment against Defendant for economic loss 2 times \$120,771 + maximum non-economic damages of \$750,000 = \$991,542 in punitive damages. There were no written apologies or accommodations for any inconvenience to me. I request a jury trial. I the *Plaintiff* pray that citation and notice issue as required by law and that the Court grants an economic and all other relief requested in this complaint. Plaintiff prays for general relief.

Respectfully submitted,

By: R. Royale

R. Royale, Pro Se Plaintiff;

7510 Holly Hill Dr. Apt #116

E-mail: royale@englishmagic.usDate: 10-26-16

Ph: (214) 414-6308

Dallas, TX 75231

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

R Royale

(b) County of Residence of First Listed Plaintiff **Dallas**

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Knightvest Management LLC.

County of Residence of First Listed Defendant **Dallas**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

3-16CV2992-D**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Tex. Civ. Prac. & Rem. Code §16.003(a)

Brief description of cause:

The apartment owner breached its non-delegable duty to keep the premises safe causing emotional pain/suffering.

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE **10-26-2016**

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE